



DAC #11  
PATENTS  
CF-34

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Gilbert et al.  
Application No. : 10/047,607 Confirmation No. : 5741  
Filed : January 14, 2002  
For : SYSTEMS AND METHODS FOR ELECTRONIC  
TRADING THAT PERMIT PRINCIPAL/BROKER  
TRADING  
Group Art Unit : 2164

New York, New York 10020  
April 3, 2003

Box DAC  
Hon. Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.137(b,f) FOR REVIVAL  
OF UNINTENTIONALLY ABANDONED PATENT APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.137(b,f), applicants hereby petition for revival of the above-identified patent application, which may have become abandoned because the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing and applicants unintentionally may have failed to notify the Patent and Trademark Office of that foreign filing within forty-five days thereof.

37 C.F.R. § 1.137(b)(1)

This petition is accompanied by a notification under 37 C.F.R. § 1.213(c) that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing.

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37 C.F.R. § 1.137(b) (2)

A check in the amount of \$1,300.00, in payment of the petition fee set forth in 37 C.F.R. § 1.17(m), is enclosed herewith. The Director is hereby authorized to charge any additional fee that may be due, or to credit any overpayment, in connection with this Petition, to Deposit Account No. 06-1075. A duplicate copy of this Petition is enclosed herewith.

37 C.F.R. § 1.137(b) (3)

Any delay in notifying the Patent and Trademark Office that the above-identified patent application was filed in another country that requires publication of applications eighteen months after filing, including the delay in filing this petition, was unintentional.

Applicants filed a Rescission Under 37 C.F.R. § 1.213(b) Of Nonpublication Request on May 7, 2002, prior to the earliest foreign filing (May 24, 2002) of the above-identified patent application. The Rescission was filed in a format based on the original Patent and Trademark Office form for such rescissions, which did not include a notification that foreign filing had occurred (and indeed, at the time of filing the rescission, foreign filing had not yet occurred).

Applicants understood, based on the original Patent and Trademark Office form, that filing of the rescission met the requirement for notifying the Patent and Trademark Office that foreign filing had occurred.

The undersigned learned on March 31, 2003 that the Patent and Trademark Office had changed its form for rescission of a nonpublication request to include an explicit notification of foreign filing, and that under the Patent and Trademark Office's current interpretation of 37 C.F.R. § 1.213(c), the mere rescission of a nonpublication request does not satisfy the requirement that the Patent and Trademark Office be notified that an application in which a nonpublication request had been filed

has been filed in a foreign country that publishes applications after eighteen months. In view of that interpretation, applicants in an abundance of caution have prepared and are filing this Petition immediately.

Request for Retroactive Effect

Applicants further respectfully request that revival of the above-identified patent application be granted retroactively to July 8, 2002, the date that is forty-five days after the earliest foreign filing.

Conclusion

Prompt grant of this petition is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Hon. Commissioner for Patents  
P.O. Box 2327  
Arlington, Virginia 22202  
on April 3, 2003

Carlton R. Johnson - www.fishandneave.com  
Name of Person Signing Certificate

[Signature]  
Signature of Person Signing Certificate

April 3, 2003  
Date of Signature

Respectfully submitted,

[Signature]

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